

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Corina Suly Ampuero,

Plaintiff,

vs.

Toyota Motor Credit Corporation, *et al.*,

Defendants.

Case No.: 2:21-cv-01165-GMN-DJA

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Daniel J. Albregts, (ECF No. 3), which recommends that this case be dismissed without prejudice for lack of subject matter jurisdiction.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* Min. Order,

1 ECF No. 3) (setting a September 6, 2021, deadline for objections).¹

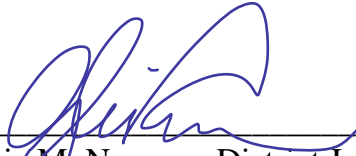
2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 3), is
4 **ACCEPTED AND ADOPTED in full.**

5 **IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice, and
6 with leave to amend. Should Plaintiff choose to amend her Complaint, Plaintiff shall file an
7 amended complaint within twenty-one (21) days from the entry of this order properly alleging
8 subject matter jurisdiction.

9 **IT IS FURTHER ORDERED** that Plaintiff's application to proceed *in forma pauperis*,
10 (ECF No. 1), is **DENIED as moot.**

11 **DATED** this 8 day of October, 2021.

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16 Gloria M. Navarro, District Judge
17 United States District Court
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24 ¹ The Court notes that Plaintiff filed a Memorandum, (ECF No. 4), but not an objection to the Report and
25 Recommendation. Even if the Court construes the Memorandum as an objection, Plaintiff does not provide any
information that would refute the Report and Recommendation's conclusion that this Court lacks subject matter
jurisdiction over this this case. In fact, Plaintiff states in her Memorandum that "this issue cannot be solved in a
Nevada court." (Memorandum, 2:28–29, ECF No. 4).